



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED

07-17-07

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Application of California-American Water Company (U 210W) to Decrease Revenues For Water Service in its Coronado District by (\$73,100) or (0.46%) in 2008 and Increase Revenues by \$266,200 or 1.67% in 2009 and \$260,900 or 1.61% in 2010

A.07-01-036

Application of California-American Water Company (U 210 W) to Increase Revenues for Water Service in its Larkfield District by \$1,272,000 or 61.91% in 2008, \$134,300 or 3.94% in 2009 and \$129,900 or 3.67% in 2010 Under the Current Rate Design or Decrease Revenues by (\$742,200) or (36.12% in 2008 and Increase Revenues by \$50,000 or 3.72% in 2009 and \$63,500 or 4.55% in 2010 Under the Proposed Rate Design.

A.07-01-037

Application of California-American Water Company (U 210 W) to increase Revenues for Water service in its Sacramento District by \$8,966,900 or 33.89% in 2008, \$1,905,700 or 5.36% in 2009 and \$1,860,700 or 4.97% in 2010 Under the Current Rate Design or by \$10,981,000 or 41.50% in 2008, \$1,925,900 or 5.11% in 2009, and \$1,845,600 or 4.66% in 2010 Under the Proposed Rate Design.

A.07-01-038

Application of California-American Water Company (U 210 W) to Increase Revenues for Water Service in its Village District by \$1,537,300 or 7.43% in 2008, \$243,400 or 1.08% in 2009, and \$232,900 or 1.02% in 2010.

A.07-01-039

**MARK WEST AREA COMMUNITY SERVICES COMMITTEE'S
MOTION TO STRIKE THE TESTIMONY OF THOMAS GOLVER**

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Date July 17, 2007

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MARK WEST AREA COMMUNITY SERVICES COMMITTEE'S MOTION TO STRIKE THE TESTIMONY OF THOMAS GLOVER

I. INTRODUCTION

Pursuant to Rule 11.1 of the Rules of Practice and Procedure of the California Public Utilities Commission ("Commission") The Mark West Area Community Services Committee ("MWACSC") hereby submits this motion requesting that the Administrative Law Judge strike the Testimony of Thomas Glover, including Direct Testimony of Thomas Glover, filed April 20, 2007, Rebuttal Testimony of Thomas Glover, P. E., filed May 21, 2007 and Supplemental Testimony of Thomas Glover, P. E. filed June 5, 2007.

MWACSC moves to strike the entire testimony of Thomas Glover, P. E. because he has included numerous false, deceptive and misleading statements in his testimony, sufficient to impeach his entire testimony.

Rule 1.1, Ethics, of the Commission's Rules of Practice and Procedure requires that "Any person who signs a pleading or brief, enters an appearance, offers testimony at a hearing, or transacts business with the Commissionand never to mislead the commission or its staff by an artifice or false statement of fact or law."

Mr. Glover has failed to honor the covenants made under Rule 1.1, Ethics, of The Commission's Rules of Practice and Procedure in that he has included in his testimony numerous proven false, deceptive or misleading statements that are obviously intended to confuse and deceive the Commission and its staff as to the facts in this proceeding.

II THOMAS GLOVER'S TESTIMONY SHOULD BE STRICKEN IN ITS ENTIRETY

A. Mr. Glover Included in His Testimony Statements Which He Acknowledged to be False.

Thomas Glover included in his testimony statements which, under cross examination, he acknowledged to be false. Some examples of this are:

1. In his Rebuttal Testimony, referring to the North Wikiup tank No. 2, Mr. Glover stated "It is obvious that MWACSC made its statements without reviewing the supporting documents for this project. Indeed, MWACSC did not submit a request for documents related to this project until May 15, 2007, more than ten days after the service of the MWACSC report for the record."¹

Under cross examination Mr. Glover acknowledged that MWACSC had, by letter dated February 15, 2007, requested a copy of the Geotechnical Investigation for the tank.²

2. Also in his Rebuttal testimony Mr. Glover characterized the supply of water from the Sonoma County Water Agency to be "Interruptible"³

Under cross examination, when asked to document that statement, Mr. Glover stated that he was referring to the amount over 800,000 gallons per day that Cal-Am had been able to take in the past.⁴

¹ Exhibit 17, Rebuttal Testimony of Thomas Glover, P. E., Other Issues, page 31

² Transcript, A.07-01-036_060607_Vol 6, Glover, page 486

³ Exhibit 17, Rebuttal Testimony of Thomas Glover, P. E., page 6

⁴ Transcript, A.07-01-036_060607_Vol 6, Glover, page 447.

Asked if he had made that clear in his testimony he replied “It was clear to me”⁵

Under further questioning Mr. Glover admitted that the authorized 800,000 gallons of water per day from the Sonoma County Water Agency was not interruptible.⁶

During this cross examination Mr. Glover repeatedly attempted to evade the direct question “Is the 800,000 gallons per day from the Sonoma County Water Agency Interruptible?”

Twenty pages of transcript are devoted in trying to elicit a simple yes or no answer to the question.⁷

3. Mr. Glover included in his Rebuttal Testimony a Discussion About Water Transmission Problems in Three Areas of the Sonoma County Aqueduct.

Mr. Glover’s included in his Rebuttal testimony, a discussion about a Staff Report by the Sonoma County Water Agency to discuss some areas of concern. Mr. Glover went into a lengthy discussion about the findings of the Staff Report.⁸ The Staff Report predicted that three areas of the Sonoma County Aqueduct system would be unable to provide a reliable water supply for the periods analyzed. The staff report went on to state that a portion of the transmission system water demand would need to be offset by other sources of water available to affected water contractors and customers.⁹ (Emphasis added)

Excerpts from the Staff Report were included in Mr. Glover’s Rebuttal Testimony as Exhibit D.

Under cross examination, when asked if Larkfield was included in the three areas referred to in the Staff Report, Mr. Glover replied “To the best of my knowledge.”

Under further cross examination and after introduction of Exhibit 46 (a diagram of the Sonoma county Aqueduct System from the same Staff Report) Mr. Glover admitted

⁵ Ibid. page 448

⁶ Ibid. page 452

⁷ Ibid. pages 446 - 466

⁸ Exhibit 17, Rebutal Testimony of Thomas Glover page 11

⁹ Ibid, Exhibit D. page 22.

that the transmission problems downstream of Larkfield in the Aqueduct System had nothing to do with the water supply in Larkfield.

When asked why the discussion was included in his testimony he replied “I don’t have an answer for that.”

The only conceivable reason for including such a discussion in Mr. Glover’s testimony is to confuse, deceive and mislead the Commission and its staff into believing that the downstream transmission problems had an effect upon Larkfield’s water supply.

The same downstream transmission problems, as addressed in the November 1, 2004 Workshop Staff Report, are also included in the direct Testimony of Andrew Soule’ P. E.¹⁰

B. Thomas Glover Included in His Testimony Growth Projections That Were Known to Be Inflated and False

In calculating the water supply needs for Larkfield Mr. Glover used growth projections from the 2006 Comprehensive Planning Study which were acknowledged by Cal-Am to be inflated when they withdrew their request for Well No. 6.

In his Direct Testimony Mr. Glover, himself, stated that growth predictions for Larkfield were lower than predicted in the CPS.¹¹

Yet, in his calculation of water supply needs Mr. Glover used a customer base of 2,963 for the year 2010 as shown in the 2006 CPS on Table 3-4.¹²

2,963 customers exceeds the 2,936 customers expected at ultimate buildout somewhere beyond the year 2030 as shown in the Coastland Engineering Feasibility Study.¹³

The Coastland Study shows a customer base of 2,508 for the year 2010.¹⁴

¹⁰ Exhibit 9 Direct Testimony of Andrew Soule’. P. E. pages 27 and 28.

¹¹ Exhibit 14, Direct Testimony of Thomas Glover, pages 5 and 6

¹² Exhibit 17, Rebuttal Testimony of Thomas Glover, page 16

¹³ Exhibit 34, Exhibit B. to the testimony of MWACSC Preliminary Engineering Feasibility Study by Coastland Civil Engineering, Inc. page 20, Table 9.

¹⁴ Ibid.

The projected customer base of 2,963 in the year 2010 is not supported by Cal-Am's own growth projections. Cal-Am shows 2,554 customers in the year 2009.¹⁵ To reach 2,963 customers by the year 2010 would require a one year growth of 409 customers or 16%.

Mr. Glover testified in his Direct Testimony that the historical growth rate for Larkfield was 2.3%.¹⁶

The only conceivable purpose for continuing to use the inflated growth figures from the 2006 CPS, after acknowledging that they were inflated, is to confuse and deceive the Commission and its staff.

C. Glover Claims to Have Factored in the Effects of Conservation.

During cross examination Mr. Glover testified that Cal-Am had tried to factor in conservation in calculating Version II of the Water Needs Analysis.¹⁷ He stated that page 20 of his Rebuttal Testimony showed the effects of conservation.¹⁸

Examination of page 20 of Glover's Rebuttal Testimony reveals no evidence that conservation has been taken into account in Version II. Quite the opposite is true. Version II also uses an inflated customer base projection for the year 2010 of 2,612¹⁹ (As compared to 2,508 shown by Coastland.)²⁰

Further, Glover used a projected Maximum Daily Demand to Average Daily Demand factor of 1.928²¹ in Version II, where in Version I he used the historical factor of 1.79.²² (Emphasis added)

¹⁵ Exhibit A to the Application A.07-01-037 Chapter 5, Section 1 page 2 of 3

¹⁶ Exhibit 14, Direct Testimony of Thomas Glover, page 5

¹⁷ Transcript, A.07-01-036_060607_Vol 6, Glover page 477

¹⁸ Exhibit 17, Rebuttal Testimony of Thomas Glover page 20.

¹⁹ Ibid. page 19

²⁰ Exhibit 34, Exhibit B. to the Testimony of MWACSC, Preliminary Engineering Feasibility Study by Coastland Civil Engineering, Inc. page 20, Table 9

²¹ Exhibit 17, Rebuttal Testimony of Thomas Glover, page 19

²² Ibid. page 16

No support is provided for the increase in the factor from 1.79 to 1.928. However, that increase does increase the calculated Maximum Day Demand.

III. CONCLUSION

As listed above, Thomas Glover has included in his testimony numerous statements which he has acknowledged were false or which have been proven to be false.

These numerous false, deceptive and misleading statements are more than sufficient to impeach his entire testimony and to call into question his character, his truthfulness and his motives in submitting so many false statements.

These false, deceptive and misleading statements have the obvious purpose of confusing and deceiving the Commission and its staff and all other parties to this proceeding.

Thomas Glover has failed to honor the covenants made under Rule 1.1, Ethics, of the commission's Rules of Practice and Procedure.

For the above reasons MWACSC requests that the entire testimony of Thomas Glover be stricken in its entirety and given no weight.

Respectfully Submitted

/S/ JAMES M. BOULER
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CERTIFICATE OF SERVICE

I hereby certify that I have this day, July 17, 2007, served the within

**MARK WEST AREA COMMUNITY SERVICES COMMITTEE'S
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on the interested parties in this action by transmitting this document electronically from my home at 133 Eton Court, Santa Rosa, California 95403 to the electronic e-mail addresses listed on the attached service list.

In addition to the e-mail service list I have filed the above document, in PDF/A format, electronically, by transmitting the same to the Docket Office of the California Public Utilities Commission at [HTTP://EFILE.CPUC.CA.GOV](http://efile.cpuc.ca.gov) .

I hereby certify that the original, signed copy, of the above document is available for review and copying at the request of the Commission or any party.

Executed at Santa Rosa, California, July 17, 2007

**/S/ JAMES M. BOULER
James M. Boulter**

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